

Message Text

CONFIDENTIAL

PAGE 01 STATE 221690

64

ORIGIN L-02

INFO OCT-01 ARA-10 ISO-00 ABF-01 SS-14 PM-03 RSC-01 SSO-00

/032 R

DRAFTED BY L/ARA:MGKOZAK:SO

APPROVED BY ARA/APU:FVORTIZ

L/AID:EHARKINS

BF:OAG:RDEITCHMAN

AA/LA:CUYCHARA

L/HR:CRUNYON

ARA/APU:AEBRAZEAL

----- 044445

O 082117Z OCT 74

FM SECSTATE WASHDC

TO AMEMBASSY MONTEVIDEO IMMEDIATE

C O N F I D E N T I A L STATE 221690

STADIS////////////////////////////////

E.O. 11652: GDS

TAGS: AFSP, PINS, UY

SUBJECT: GAO REVIEW

REF: (A) MONTEVIDEO 2768, (B) MONTEVIDEO 2767,

(C) MONTEVIDEO 2726

DEPARTMENT WILL PROVIDE GAO IN WASHINGTON WITH EMBASSY RESPONSES TO GAO TEAM QUESTIONS (REF C). ARA, AID/W AND LEGAL ADVISORS HAVE REVIEWED PROPOSED EMBASSY RESPONSES (REF C) AND SUGGEST FOLLOWING AUGMENTED ANSWERS BE SUPPLIED GAO. EMBASSY INPUT AND CONCURRENCE REQUESTED. DEPARTMENT WILL ADVISE EMBASSY ONCE RESPONSES DELIVERED TO GAO. EMBASSY REQUESTED TO SEND CHRONOLOGICAL BREAKDOWN ON ANTI-SUBVERSIVE GOU LEGISLATION SINCE APRIL 15, 1972 TO DEPARTMENT (REF B).

1. WHAT IS THE GOU'S DEFINITION OF POLITICAL PRISONERS?

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 221690

WE DOUBT AND HAVE NO INFORMATION TO INDICATE THAT THE

GOVERNMENT OF URUGUAY HAS DEFINED THE TERM POLITICAL PRISONERS.

--- URUGUAYAN AUTHORITIES, INCLUDING A RECENT MINISTER OF INTERIOR, EMPHATICALLY DENY THAT THEY HOLD POLITICAL PRISONERS. THEY STATE PUBLICLY AND ALSO PRIVATELY TO US THAT ALL PRISONERS UNDER DETENTION ARE BEING HELD FOR SPECIFIC ILLEGAL ACTS AS SET FORTH IN EXISTING LAWS AND DECREES, AND NOT FOR ANY BELIEFS THEY MIGHT HOLD.

DISCUSSIONS OF THE POLITICAL PRISONER ISSUE WITH RESPECT TO URUGUAY COMMONLY FOCUS ON THE STATUS OF PERSONS DETAINED UNDER THE URUGUAYAN NATIONAL SECURITY LAW (SEE ANSWER TO QUESTION 2 BELOW). THESE ARE PRIMARILY ALLEGED MEMBERS OF THE MLN-TUPAMARO ORGANIZATION, AN URBAN GUERRILLA GROUP WHICH WAS ENGAGED IN WIDESPREAD TERRORIST ACTIVITY DURING THE LATE 1960'S AND EARLY 1970'S.

2. UNDER WHAT GOU STATUTES OR DECREES ARE POLITICAL PRISONERS PROSECUTED AND FOR WHAT SPECIFIC ACTS? THE CONGRESS, IN APRIL 1972, APPROVED A DECLARATION OF INTERNAL WAR AND IN JULY OF THAT YEAR PASSED A NEW NATIONAL SECURITY LAW. (GAO TEAM FURNISHED CHRONOLOGICAL BREAKDOWN ON ANTI-SUBVERSIVE GOU LEGISLATION SINCE APRIL 15, 1972). THE NATIONAL SECURITY LAW RETAINED AS SECURITY OFFENSES "SUBVERSIVE ASSOCIATION" AND "ATTACKS AGAINST THE CONSTITUTION" AND INCLUDED A PROVISION DIRECTED AT THE THEN EXISTING GROUPS OF RIGHTIST VIGILANTES, DUBBED THE "DEATH SQUAD ARTICLE," WHICH MAKES TAKING THE LAW INTO ONE'S OWN HANDS A CRIMINAL OFFENSE. IN ADDITION, JURISDICTION OVER SECURITY OFFENSES WAS TRANSFERRED FROM CIVIL TO MILITARY COURTS.

THE SECURITY LAWS HAVE BEEN APPLIED PRIMARILY TO THE MLN-TUPAMAROS WHO HAVE BEEN ACCUSED OF COMMITTING TERRORIST ACTIVITIES, INCLUDING MURDER, KIDNAPPING, ASSAULT, ARMED ROBBERY AND ARSON. ARRESTS OF SUSPECTED TUPAMAROS AND/OR THEIR ASSOCIATES ARE ALSO MADE UNDER THE SUBVERSIVE ASSOCIATION ARTICLE AND CONVICTIONS SOUGHT EITHER ON THAT BASIS ALONE OR FOR SPECIFIC TERRORIST ACTS BASED UPON

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 221690

INFORMATION DEVELOPED THROUGH QUESTIONING AND INVESTIGATION OF ARRESTED INDIVIDUALS.

3. AT THE PRESENT TIME, HOW MANY POLITICAL PRISONERS ARE THERE IN URUGUAY AND WITH WHAT OFFENSES ARE THEY CHARGED? SIX MONTHS AGO, WE INVESTIGATED THE MATTER OF PRISONERS AND ESTIMATED THAT ROUGHLY SOME 2500 TO 3000 ALLEGED

TUPAMAROS WERE BEING HELD IN VARIOUS DETENTION FACILITIES. THESE FIGURES APPEAR TO BE CONSISTENT WITH THE SOMEWHAT EARLIER PUBLIC CLAIMS OF THE TUPAMARO ORGANIZATION THAT 4000 INDIVIDUALS WERE UNDER DETENTION ON ACCOUNT OF THEIR ACTIVITIES. OF THESE, HOWEVER, ONLY 1650 HAD BEEN INDICTED. THE REMAINDER HAD NOT BEEN FORMALLY CHARGED. (IF AVAILABLE, EMBASSY SHOULD ATTACH BREAKDOWN INDICATING HOW MANY PERSONS HAVE BEEN PROSECUTED AND/OR CONVICTED FOR EACH OF THE VARIOUS CATEGORIES OF CRIMES SET FORTH IN PARA 2. LACK OF TIME PRECLUDES DEPARTMENT'S REVIEW OF ITS RECORDS, BUT IT IS OUR RECOLLECTION THAT MILITARY COURTS SPECIFY THE CRIMES FOR WHICH THOSE BROUGHT BEFORE IT FOR TERRORIST ACTIVITIES ARE PROSECUTED AND CONVICTED AND THAT THESE ARE ROUTINELY PUBLISHED. IF OUR RECOLLECTION IS NOT CORRECT, WE WOULD USE FOLLOWING FROM EMBASSY - DRAFT: QUOTE INASMUCH AS MILITARY COURTS DO NOT MAKE THEIR PROCEEDINGS PUBLIC, NO BREAKDOWN ON THE CRIMES FOR WHICH PEOPLE ARE PROSECUTED IS AVAILABLE. JUDGING FROM MEDIA REPORTS, HOWEVER, IT IS CLEAR THAT IN ADDITION TO THOSE CHARGED WITH SPECIFIC CRIMES OF VIOLENCE, AS NOTED IN PARA 2 ABOVE, MANY SUSPECTED SUBVERSIVES ARE SOUGHT, AND THEREFORE PRESUMABLY PROSECUTED, FOR "SUBVERSIVE ASSOCIATION" UNDER THE NATIONAL SECURITY LAW. UNQUOTE). THE CURRENT NUMBER OF SUCH PERSONS UNDER DETENTION IS NOT CLEAR, BUT SINCE THE NUMBER OF PERSONS BEING RELEASED APPEARS TO EXCEED THE NUMBER OF NEW DETENTIONS, WE BELIEVE THAT THE TOTAL NUMBER OF PRISONERS HAS DROPPED SUBSTANTIALLY (EMBASSY SHOULD BE MORE SPECIFIC ON NUMBERS NOW DETAINED IF IT IS POSSIBLE TO MAKE AN EDUCATED GUESS). FINALLY, IT SHOULD BE NOTED THAT ALTHOUGH THE GOU DENIES HOLDING INDIVIDUALS SOLELY ON ACCOUNT OF THEIR BELIEFS, WE BELIEVE THAT THERE ARE FOUR PERSONS WHO MIGHT BE CONSIDERED TO FALL UNDER THIS CATEGORY. THE FORMER PRESIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 221690

DENTIAL CANDIDATE OF A LEFTIST POLITICAL COALITION AND TWO OF HIS CLOSE ASSOCIATES, ALL RETIRED MILITARY OFFICERS, WERE ARRESTED FOR THEIR SUPPOSED ROLE IN FOSTERING THE JULY 9, 1973 RIOTS AND FOR VIOLATION OF THE MILITARY CODE. IN ADDITION, THE HEAD OF THE URUGUAYAN COMMUNIST PARTY WAS ARRESTED ALONG WITH SEVERAL OTHER PARTY MEMBERS. ALL BUT HE WERE PROMPTLY RELEASED, BUT HE WAS HELD ON A CHARGE OF CARRYING FALSE DOCUMENTS. IT IS NOT POSSIBLE TO MAKE ANY ACCURATE ASSESSMENT OF THE VALIDITY OF THE CHARGES BROUGHT AGAINST THESE PERSONS, HOWEVER, SINCE THE PROCEEDINGS OF THE MILITARY COURTS ARE CONDUCTED IN SECRET AND NO MODE OF JUDICIAL APPEAL IS AVAILABLE.

4. IS ANY DOCUMENTATION AVAILABLE AS TO HOW POLITICAL PRISONERS ARE TREATED WHILE THEY ARE INCARCERATED?

THE INTERNATIONAL COMMISSION OF JURISTS AND AMNESTY

INTERNATIONAL SENT A TEAM TO URUGUAY IN APRIL 1974. THE TEAM PREPARED A REPORT ON ITS FINDINGS, WHICH INCLUDED A SECTION ON MISTREATMENT OF PRISONERS. (SEE ALSO AMNESTY INTERNATIONAL REPORT ON TORTURE, 1973.) THE REPORT WAS PRESENTED TO THE PRESIDENT OF URUGUAY AND TO THE UNITED NATIONS. ITS FINDINGS HAVE NOT BEEN MADE PUBLIC IN URUGUAY. WE ARE TOLD THAT THE GOVERNMENT IS NOW PREPARING A RESPONSE TO THE REPORT AND HAS ACTIVATED A COMMISSION TO INVESTIGATE COMPLAINTS CONCERNING THE TREATMENT OF PRISONERS, AND TO TAKE THE NECESSARY CORRECTIVE ACTION. IT SHOULD ALSO BE NOTED THAT THE INTERNATIONAL COMMISSION OF THE RED CROSS MAKES FREQUENT INSPECTIONS OF URUGUAYAN PRISONS.

WE ARE NOT AWARE OF ANY RECENT DOCUMENTATION FROM URUGUAYAN SOURCES ON TREATMENT OF PRISONERS. PRIOR TO THE DISSOLUTION OF THE URUGUAYAN CONGRESS, THE QUESTION OF TORTURE WAS RAISED IN THAT BODY AND A COMMISSION OF INQUIRY APPOINTED. (SEE AMNESTY INTERNATIONAL, REPORT ON TORTURE, 1973). (IF EMBASSY CAN ADD A BRIEF SUMMARY OF THE ACTIVITIES AND FINDINGS OF THIS COMMISSION OR THE CONGRESS AS A WHOLE, THEY SHOULD BE INCLUDED IN THE RESPONSE, CITATIONS TO OR COPIES OF ANY REPORTS PREPARED BY THE COMMISSION WOULD BE PARTICULARLY USEFUL.)
CONFIDENTIAL

CONFIDENTIAL

PAGE 05 STATE 221690

WE ARE NOT IN A POSITION TO PROVIDE AN INDEPENDENT ASSESSMENT OF THE ACCURACY OF THESE REPORTS. (HERE EMBASSY SHOULD USE ONE OF THE FOLLOWING, AS APPROPRIATE: EMBASSY OFFICERS HAVE NOT HAD OCCASION TO VISIT ANY OF THE DETENTION FACILITIES," OR "FOREIGN OFFICIALS ARE NOT PERMITTED TO VISIT THE DETENTION FACILITIES;" OR "EMBASSY OFFICERS HAVE HAD OCCASION TO VISIT CERTAIN OF THE DETENTION FACILITIES (SPECIFYING WHICH) AND HAVE FOUND THE CONDITIONS TO BE ...")

5. APPROVE PARAS 5, 6, 7 AND 8 OF EMBASSY DRAFT RESPONSE.
KISSINGER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REPORTS, GAO AUDITS, POLICE FORCES, POLITICAL PRISONERS, FOREIGN ASSISTANCE
Control Number: n/a
Copy: SINGLE
Draft Date: 08 OCT 1974
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: elyme
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE221690
Document Source: CORE
Document Unique ID: 00
Drafter: MGKOZAK:SO
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740285-0814
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741062/aaaacbm.tel
Line Count: 214
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: STADIS
Reference: (A) MONTEVIDEO 2768, (B) MONTEVIDEO, 2767
Review Action: RELEASED, APPROVED
Review Authority: elyme
Review Comment: n/a
Review Content Flags:
Review Date: 23 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 SEP 2002 by kelleyw0>; APPROVED <05 MAR 2003 by elyme>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GAO REVIEW
TAGS: AFSP, PINS, UY
To: MONTEVIDEO
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005